

# Kansas Register

Ron Thornburgh, Secretary of State

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## State of Kansas

## Kansas Housing Resources Corporation

Notice of Hearing on the 2005  
Kansas Consolidated Plan

The state of Kansas will conduct a public hearing from 1:30 to 3 p.m. Wednesday, October 6, at the Public Library, Children's Story Hour Room, 901 N. Main, Hutchinson, to provide an opportunity for citizens to review and comment upon the preliminary draft of the 2005 Kansas Consolidated Plan. The Consolidated Plan is the state's policy framework for federal community development and housing programs.

The proposed 2005 Action Plan will be available for public examination beginning September 17 on the Web at [www.kshousingcorp.org](http://www.kshousingcorp.org). Limited hard copies will be available at the public hearing site (October 6 only) and upon request. The public comment period ends October 18.

Resources available in 2005 will include approximately \$20,162,344 from the Community Development Block Grant (CDBG), \$9,496,951 from the HOME Investment Partnerships (HOME), \$868,252 from the Emergency Shelter Grant (ESG) and \$363,000 from the Housing Opportunities for Persons with AIDS (HOPWA) programs.

Individuals with disabilities in need of reasonable accommodations should contact Vicki Davis at least five business days in advance of the hearing at (785) 296-5865, fax (785) 296-8985, or e-mail at [vdavis@kshousingcorp.org](mailto:vdavis@kshousingcorp.org).

Norma Phillips  
Executive Vice President

Doc. No. 031121

## State of Kansas

Department of Administration  
Division of Purchases

## Notice to Bidders

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information, call (785) 296-2376:

09/27/2004	07748	Aggregate, 4-inch Base Rock
09/28/2004	07751	Furnish and Install Chain Link Fence
09/30/2004	07754	Liquidity Facility Provider
10/04/2004	07659	Property Insurance
10/08/2004	07752	Pre-Sort Mailing Services
10/11/2004	07741	Telecommunications — Voice and Data Communications

The above referenced bid documents can be downloaded at the following Web site:

<http://da.state.ks.us/purch/rfq/>

Additional files may be located at the following Web site (please monitor this Web site on a regular basis for any changes/addenda):

<http://da.state.ks.us/purch/adds/default/htm>

Contractors wishing to bid on the projects listed below must be prequalified. For more information about the prequalification process, or to obtain the following bid documents, call (785) 296-8899.

10/12/2004	A-9846	Cambridge Garage Elevator Addition and Alteration
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Keith Meyers  
Director of Purchases

Doc. No. 031131

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**Ron Thornburgh**  
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(785) 296-4564  
[www.kssos.org](http://www.kssos.org)



**Register Office:**  
1st Floor, Memorial Hall  
(785) 296-3489  
Fax (785) 368-8024  
[kansasregister@kssos.org](mailto:kansasregister@kssos.org)

State of Kansas

**Kansas Bioscience Authority**

**Notice of Meeting**

The Kansas Bioscience Authority Board of Directors will meet from 10:30 a.m. to 4 p.m. Thursday, September 23, at the Sheraton Hotel, 6100 College Blvd., Overland Park. The purpose of the meeting will be to orient and inform the newly confirmed Kansas Bioscience Authority Board as to the organization's mission, resources, opportunities and challenges, and to adopt policies and elect leadership.

For more information about the meeting, call (913) 219-1199. For more information regarding the Kansas Bioscience Authority, please visit [www.ktec.com](http://www.ktec.com).

Tracy Taylor  
President, Kansas Technology  
Enterprise Corporation

Doc. No. 031122

State of Kansas

**Department of Commerce**

**Request for Comments**

The state of Kansas received authorization from the U.S. Department of Labor to implement its Strategic Five-Year State Plan (state plan) for Title I of the Workforce Investment Act and the Wagner-Peyser Act, effective July 1, 2000. The Kansas Department of Commerce is the state agency designated by the governor to administer this plan. It is necessary to modify the state plan due to the enactment of Public Law 107-288, the "Jobs for Veterans Act," which brought about major changes for employment and training programs. This modification will address the following:

1. How Wagner-Peyser Act (Job Service) funds will be used to serve veterans.
2. How Kansas will ensure that veterans receive priority labor exchange services in the One-Stop system.
3. A description of the distinct roles and responsibilities of Local Veterans Employment Representatives (LVER) and Disabled Veteran Outreach Program (DVOP) staff in the One-Stop system.
4. How Kansas will insure adherence to the legislative requirements of the "Jobs for Veterans Act" for veterans programs staff.
5. How services described in the State Plan will take into consideration the agreement reached between the U.S. Secretary of Labor and Kansas regarding veterans' employment programs.

Comments must be submitted by 5 p.m. Friday, October 15. Comments may be submitted (identified by MOD 04) by any of the following methods:

- **E-mail:** Submit by e-mail to [lweaver@kansascommerce.com](mailto:lweaver@kansascommerce.com). Enter MOD 04 Comments in the subject line.
- **Fax:** Comments of five pages or fewer may be submitted by facsimile machine to (785) 291-3512. Please note this is not a toll-free number.
- **Postal mail:** Comments transmitted by postal mail should be sent early, to be received by 5 p.m. October

15, to Linda J. Weaver, Director for Policy and Planning, Kansas Department of Commerce, 512 S.W. 6th, Topeka, 66603.

Receipt of submissions, whether by e-mail, fax or postal mail, will not be acknowledged. Comments will be available for public inspection during normal business hours at the address listed above.

Persons who need assistance to review the comments will be provided with appropriate aids such as readers or print magnifiers. Copies of this proposed plan modification will be made available in the following formats: large print, electronic file on computer disk and audiotape. To schedule an appointment to review the comments and/or to obtain the proposed plan modification in an alternate format, contact Linda Weaver at (785) 296-2159 or [lweaver@kansascommerce.com](mailto:lweaver@kansascommerce.com). Individuals with hearing or speech impairments may access this telephone number via TTY (hearing impaired) by calling (785) 296-3487. For more information, contact Linda Weaver.

Howard Fricke  
Secretary of Commerce

Doc. No. 031129

State of Kansas

**Kansas Water Office**

**Notice of Hearing**

A public hearing on whether to amend the Neosho River Basin Section of the Kansas Water Plan to include additional high priority total maximum daily loads (TMDLs) will be held at 1 p.m. Thursday, September 30, at the Coffey County Courthouse, 110 S. Sixth St., Burlington. The Kansas Water Office will conduct the hearing.

The watersheds of Marion Reservoir and Olpe City Lake are being proposed as high priority TMDLs. A TMDL is part of a process that involves identifying pollutants for impaired water bodies, establishing the maximum level that can be present without violating water quality standards, and determining and implementing effective control measures.

Details of the TMDLs are on the Kansas Department of Health and Environment's Web site at <http://www.kdhe.state.ks.us/tmdl/NE2004.html>.

Please provide two copies of any written testimony at the hearing. An oral summation of written testimony also may be given. Persons unable to testify at the hearing may submit written comments to the Kansas Water Office through October 8.

For more information, contact Kerry Wedel at the Kansas Water Office, 901 S. Kansas Ave., Topeka, 66612-1249, (785) 296-3185, e-mail: [kwedel@kwo.state.ks.us](mailto:kwedel@kwo.state.ks.us).

If accommodations are needed for persons with disabilities, contact the Kansas Water Office at the address and phone number above.

Tracy Streeter  
Acting Director

Doc. No. 031130

## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of September 16-27. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://kslegislature.org/klrd>.

Date	Room	Time	Committee	Agenda
Sept. 16 Sept. 17	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on Assessment and Taxation	<b>16th:</b> Committee discussion of new tax law on isolated sale of motor vehicles; Topic 5—confidentiality and disclosure of tax information; Topic 8—excise tax authority of municipalities; and Topic 6—monitor streamlined sales tax implementation. <b>17th:</b> Topic 3—collection of delinquent taxes; and topic 7—franchise tax administration.
Sept. 16 Sept. 17	Pittsburg Hutchinson		Joint Committee on State Building Construction	<b>16th:</b> Pittsburg State University and Parsons State Hospital. <b>17th:</b> State Fair; Kansas Regents Institutions; and five-year capital improvement requests.
Sept. 20 Sept. 21	514-S 514-S	10:00 a.m. 9:00 a.m.	Legislative Educational Planning Committee	<b>20th:</b> Special education: staff presentations; report by Legislative Post Audit; presentations by conferees. <b>21st:</b> Reports on Kansas Teacher Service Scholarships; State University Performance Agreements; plan for ESU Center for Innovative School Leadership; and Wichita Area Technical College.
Sept. 23	<b>8:30 a.m.</b> Sheraton Hotel Overland Park		Confirmation Oversight Committee	Confirmation hearings of appointments to the <b>Kansas Bioscience Authority</b> : Bill R. Sanford; Dr. Clay Blair; Senator Jim Barone; Dr. David Franz; Dolph Simons; Dan Glickman; Dr. Steve O'Connor; Dr. Victoria F. Haynes; Sandra Lawrence; Chancellor Robert Hemenway; and President Jon Wefald. Appointment to the <b>Board of Tax Appeals</b> : Rebecca Cotty. Appointment to the <b>Kansas Parole Board</b> ; and appointment to the <b>Public Employee Relations Board</b> .
Sept. 27	514-S	10:00 a.m.	Task Force on Long-Term Care Services	Agenda not available.

Jeffrey M. Russell  
Director of Legislative  
Administrative Services

## State of Kansas

Department of Health  
and EnvironmentNotice Concerning Kansas  
Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the state of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-04-274/276  
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Miller Feeders, Inc. Ernest Miller 128 N. 4th St. Kiowa, KS 67070	SW/4 of Section 04, T35S, R11W, Barber County	Lower Arkansas River Basin

Kansas Permit No. A-ARBA-B001

This is a renewal permit for an existing facility for 900 head (900 animal units) of beef cattle greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Lakin Feed Yard, Inc. P.O. Box 1026 Lakin, KS 67860	S/2 of Section 29, T25S, R36W, Kearny County	Upper Arkansas River Basin

Kansas Permit No. A-UAKE-C003 Federal Permit No. KS0039365

This is a renewal permit for an existing facility of 15,000 head (15,000 animal units) of beef cattle weighing more than 700 pounds each.

This renewal permit provides for the construction of a wastewater retention structure described under the previous permit and the minor modification of two other wastewater retention structures.

Name and Address of Applicant	Legal Description	Receiving Water
Offsite, Steven Cox 504 W. 1500 Road Long Island, KS 67647	SW/4 of Section 13, T01S, R20W, Phillips County	Upper Republican River Basin

Kansas Permit No. A-URPL-S007

This is a renewal permit for an existing facility for 1,600 head (640 animal units) of swine weighing more than 55 pounds.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the at-

tention of April Romero for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before October 16 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-04-274/276) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

Northwest District Office, 2301 E. 13th, Hays, 67601-2651, (785) 625-5664

North Central District Office, 2501 Market Place, Salina, 67401-7699, (785) 827-9639

Northeast District Office, 800 W. 24th, Lawrence, 66046-4417, (785) 842-4600

Southwest District Office, 302 W. McArtor Road, Dodge City, 67801-6098, (620) 225-0596

South Central District Office, 130 S. Market, 6th Floor, Wichita, 67202-3802, (316) 337-6020

Southeast District Office, 1500 W. 7th, Chanute, 66720, (620) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots>.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 031123

## State of Kansas

## Secretary of State

Permanent Administrative  
Regulations

## Article 18.—KANSAS ATHLETE AGENT ACT

**7-18-1.** (Authorized by and implementing L. 1996, Ch. 178, Sec. 3(d); effective, T-7-7-1-96, July 1, 1996; effective Oct. 18, 1996; revoked Oct. 1, 2004.)

**7-18-2.** (Authorized by and implementing L. 1996, Ch. 178, Sec. 3(l); effective, T-7-7-1-96, July 1, 1996; effective Oct. 18, 1996; revoked Oct. 1, 2004.)

**7-18-3.** (Authorized by L. 1996, Ch. 178, Sec. 15; implementing L. 1996, Ch. 178, Sec. 7; effective, T-7-7-1-96, July 1, 1996; effective Oct. 18, 1996; revoked Oct. 1, 2004.)

## Article 27.—PARTY AFFILIATION

**7-27-1. Maintenance of party affiliation lists.** Party affiliation lists shall be maintained according to the following requirements:

(a) (1) Before each primary and general election, and in August of odd-numbered years, each county election officer shall certify to the secretary of state the number of members of each party in each precinct of the election officer's county as shown by the party affiliation list and a total number for each party for the county. Before each primary election, the county election officer shall prepare an alphabetical list of electors by surname for each precinct, showing each elector's name, address, and party affiliation.

(2) After each primary election at which national, state, county, township, and, where applicable, city candidates are nominated, the county election officer shall prepare a new party affiliation list for each precinct. The party affiliation list shall include the names of all electors who voted in the primary election, and the names of all electors who have declared their party affiliation as provided by statute.

(b) If at any time a registered voter declares or changes that voter's party affiliation, that declaration or change shall be made on the party affiliation lists. Whenever a voter's name is removed from the registration list as provided by K.S.A. 25-2316c, and amendments thereto, that voter's name shall also be removed from the party affiliation list.

(c) The party affiliation list shall be maintained by using a computer or data processing system. (Authorized by and implementing K.S.A. 25-3302; effective Jan. 1, 1972; amended Jan. 1, 1974; modified, L. 1978, ch. 451, May 1, 1978; amended Oct. 18, 1993; amended Oct. 1, 2004.)

## Article 29.—BALLOTS

**7-29-2. Official ballot colors.** (a) All official ballots shall be printed in black ink on paper through which the printing or writing cannot be read.

(b) If only one ballot is required for an election, the ballot shall be white.

(c) Whenever a colored ballot is used, the same color shall be used for that ballot throughout the county.

(d) Colored ballots may be used in any election to distinguish between political parties and election districts. (Authorized by and implementing K.S.A. 25-601; effective May 1, 1982; amended Oct. 18, 1993; amended March 23, 2001; amended Oct. 1, 2004.)

Ron Thornburgh  
Secretary of State

Doc. No. 031116

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Trigeant EP, Ltd. - El Dorado Terminal has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of oxides of nitrogen (NO<sub>x</sub>), carbon monoxide (CO) and volatile organic compounds (VOC) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Trigeant EP, Ltd. - El Dorado Terminal, Boca Raton, Florida, owns and operates a petroleum terminal located at 1835 N. Topeka, El Dorado, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Adam Kice, (785) 296-1691, at the KDHE central office; and to review the proposed permit only, contact David Butler, (316) 337-6042, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Adam Kice, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business October 18.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business October 18 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 031120

## State of Kansas

## Pooled Money Investment Board

## Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

## Effective 9-13-04 through 9-19-04

Term	Rate
1-89 days	1.49%
3 months	1.67%
6 months	1.85%
1 year	2.03%
18 months	2.26%
2 years	2.46%

Derl S. Treff  
Director of Investments

Doc. No. 031118

## State of Kansas

Department of Health  
and EnvironmentPermanent Administrative  
RegulationsArticle 15.—APPLICATION FOR PERMITS;  
DOMESTIC WATER SUPPLY

**28-15-11.** (Authorized by and implementing K.S.A. 65-171m; effective May 1, 1982; amended Sept. 21, 1992; amended June 21, 1993; amended Sept. 26, 1994; amended Jan. 9, 1995; revoked Oct. 1, 2004.)

**28-15-13.** (Authorized by and implementing K.S.A. 65-171m; effective May 1, 1982; amended Sept. 21, 1992; amended June 21, 1993; amended Sept. 26, 1994; amended Jan. 9, 1995; revoked Oct. 1, 2004.)

**28-15-14.** (Authorized by and implementing K.S.A. 65-171m; effective May 1, 1982; amended Sept. 21, 1992; amended Jan. 9, 1995; revoked Oct. 1, 2004.)

**28-15-15a.** (Authorized by and implementing K.S.A. 65-171m; effective Sept. 21, 1992; amended Sept. 26, 1994; amended Jan. 9, 1995; revoked Oct. 1, 2004.)

**28-15-16. Permit requirements for public water supply systems.** (a) Each person who operates a public water supply system shall be required to have a permit issued by the secretary.

(b) Each application for a public water supply permit shall be submitted for review and consideration for approval and shall be required to be approved before the use of a source of water supply or the construction of any of the following:

- (1) New sources;
- (2) pumping facilities;
- (3) finished water storage facilities;
- (4) water treatment plants, facilities, or systems;
- (5) distribution systems and extensions to existing distribution systems; or

(6) chemical storage, handling, and application facilities.

(c) Each application approved for construction purposes shall be valid for a period of two years, and if construction has not been commenced by that time, a new application shall be required.

(d) In addition to meeting the requirements specified in K.S.A. 65-163(a)(1) and amendments thereto, each person operating a public water supply system shall submit as part of the application the results of an analysis performed by a state-certified laboratory regarding the physical, bacteriological, chemical, and radiological constituents of the raw water to ensure that the proposed treatment facilities will produce potable water meeting the primary drinking water regulations established in article 15a. (Authorized by K.S.A. 65-171m; implementing K.S.A. 65-163; effective May 1, 1982; amended Jan. 9, 1995; amended Oct. 1, 2004.)

**28-15-18. Operation and maintenance requirements.** (a) Each person who operates a public water supply system shall ensure that the system is operated, maintained, and supervised by certified personnel in accordance with K.S.A. 65-4501 through K.S.A. 65-4517 and amendments thereto.

(b) Each person who operates a public water supply system shall immediately notify the department and responsible local officials of any situation with the water system, including a major breakdown or serious loss of water service, that presents or could present an imminent and substantial endangerment to health.

(c) Each person who operates a community water supply system shall prepare an emergency operations plan to safeguard the water supply for the protection of the public if natural or man-made disasters occur. Emergency operation plans shall be submitted to the secretary for review and consideration for approval based on the secretary's assessment of whether the plan would safeguard the water supply.

(d) Newly constructed or repaired water distribution mains and finished water storage facilities shall be flushed and disinfected before use.

(e) Each community water supply system shall be operated and maintained to provide a minimum positive pressure of 20 psi (140 kN/m<sup>2</sup>) throughout the distribution system except under extraordinary conditions including unusual peak fire flow demand and major distribution system breaks.

(f) Each person who operates a community water supply system and each person who operates a high risk non-community system designated by the department shall have a regular program for the detection and elimination of cross-connections and prevention of backflow and backsiphonage.

(g) All finished water reservoirs shall be covered by a permanent protective material and shall be vented and screened.

(h) Public water supply system components and protective coatings in contact with water intended for public consumption, and chemicals used in the treatment of water, shall be used to ensure the protection of public health and the environment.

(continued)

(i) Each person who operates a public water supply system shall respond in writing no later than 45 days after receipt of a sanitary survey report describing how and on what schedule the system will address significant deficiencies identified in the survey. (Authorized by K.S.A. 65-171m; implementing K.S.A. 65-171h; effective May 1, 1982; amended Oct. 1, 2004.)

**28-15-20.** (Authorized by and implementing K.S.A. 65-171m; effective May 1, 1982; amended Sept. 21, 1992; amended Sept. 26, 1994; revoked Oct. 1, 2004.)

**28-15-21.** (Authorized by and implementing K.S.A. 65-171m; effective June 21, 1993; revoked Oct. 1, 2004.)

**28-15-22.** (Authorized by and implementing K.S.A. 65-171m; effective Sept. 26, 1994; revoked Oct. 1, 2004.)

### Article 15a.—PRIMARY DRINKING WATER REGULATIONS

**28-15a-2. Definitions; replaced terms.** (a) For the purposes of articles 15 and 15a, the definitions contained in 40 CFR 141.2, as in effect on July 1, 2003, are hereby adopted by reference with the following alterations:

(1)(A) The definition of "Public water system" shall be replaced with the following: "Public water supply system" means a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if the system has at least 10 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. This term shall include the following:

"(1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system and used primarily in connection with the system; and

"(2) any collection or pretreatment storage facilities not under this control that are used primarily in connection with the system.

"This term shall not include any 'special irrigation district.'

"Each public water supply system shall be deemed either a 'community water supply system' or a 'non-community water supply system.'"

(B) The term "public water supply system" shall replace the term "public water system" wherever the latter term appears in any of the text adopted in this article.

(2) The definition of "Community water system" shall be replaced with the following: "Community water supply system" means a public water supply system which has at least 10 service connections used by year-round residents or regularly serves at least 25 year-round residents."

The term "community water supply system" shall replace the term "community water system" wherever the latter term appears in any of the text adopted in this article.

(3) The definition of "Person" shall be replaced by the following: "'Person' means an individual, corporation, company, institution, association, partnership, township, municipality, county, state, or federal agency that owns, administers, operates, or maintains a public water supply system."

(4) The following definitions shall be added to 40 CFR 141.2:

(A) "Administrator" means administrator of the environmental protection agency.

(B) "Approved laboratory" means a laboratory certified and approved by the department to analyze water samples to determine compliance with maximum contaminant levels or to perform other required analyses.

(C) "Department" and "primacy agency" mean the Kansas department of health and environment.

(D) "Distribution system" means the system of conduits and appurtenances by which a water supply is distributed to customers.

(E) "Laboratory tests" means all bacteriological, chemical, physical, or radiological tests made by either the departmental laboratory or an approved laboratory on water samples that were submitted by the operator of a public water supply system to confirm the quality of water.

(F) "Operating records and reports" means the daily record and the monthly report of data connected with the operation of the public water supply system's facilities.

(G) "Secretary" and "state" mean the secretary of the Kansas department of health and environment.

(H) "Significant deficiency" means any defect in a public water supply system's design, operation, maintenance, or administration, as well as any failure or malfunction of any system component that causes, or has the potential to cause, an unacceptable risk to health or that could affect the reliable delivery of safe drinking water.

(I) "Turbidity" means the cloudy condition of water caused by the presence of finely suspended matter, including clay, silt, plankton, and microscopic organisms, resulting in the scattering and absorption of light rays. Turbidity is measured in nephelometric turbidity units (NTU).

(b) For the purposes of this article, the following terms and phrases appearing in the federal regulations adopted by reference in these regulations shall be defined or replaced as specified in this subsection:

(1) "SDWA" means the safe drinking water act, 42 U.S.C.S. § 300f et seq., formerly Pub. L. 104-182 et seq., and amendments thereto.

(2) "This part" and "part" shall be replaced by "this article" and "article."

(3) "This subpart" and "subpart" mean that specific, named group of primary drinking water regulations in which the regulation is placed within this article.

(4) "Must" shall be replaced by "shall." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-3. Coverage; conditions for exclusion.** The provisions of 40 CFR 141.3, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-4. Variances and exemptions for small systems.** Variances or exemptions from certain provisions of these regulations may be granted by the secretary pursuant to 40 CFR Part 142, subpart K, sections 301 through 307, as in effect on July 1, 2003, and hereby adopted by



reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-6. Effective dates.** (a) The provisions of 40 CFR 141.6(j), as in effect on July 1, 2003, are hereby adopted by reference.

(b) The following text shall be added: "All internal requirements regarding effective dates which have passed, completion dates which have passed, or beginning compliance dates which have passed within a C.F.R. that is adopted by reference shall be replaced with the date these regulations become effective." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-11. Maximum contaminant levels for inorganic chemicals.** The provisions of 40 CFR 141.11(d), as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-21. Coliform sampling.** Each person who operates a public water supply system shall comply with the monitoring and analytical requirements for coliforms contained in 40 CFR 141.21, as in effect on July 1, 2003 and hereby adopted by reference except for 141.21(a)(2) and (a)(3), which are replaced with the following text:

"(a)(2) The sampling period for microbiological compliance shall be one calendar month for all public water supply systems.

"(a)(3) Number of required samples.

"(i) Each public water supply system that uses surface water as its source of supply and serves a population of 4,100 or less shall take a minimum of four water samples each sampling period.

"(ii) Each public water supply system that uses surface water as its source of supply and serves a population greater than 4,100 shall take water samples according to the schedule prescribed in subsection (a)(3)(iv).

"(iii) Each public water supply system that uses groundwater as its source of supply and each public water supply system that purchases water from another public water supply system shall take water samples according to the schedule specified in paragraph (a)(3)(iv).

"(iv) Each public water supply system shall assure that routine samples are collected at regular time intervals and analyzed for total coliform bacteria as specified in the following table.

Population Served	Minimum number of samples per sampling period
25 to 2,500 .....	2
2,501 to 3,300 .....	3
3,301 to 4,100 .....	4
4,101 to 4,900 .....	5
4,901 to 5,800 .....	6
5,801 to 6,700 .....	7
6,701 to 7,600 .....	8
7,601 to 8,500 .....	9
8,501 to 12,900 .....	10
12,901 to 17,200 .....	15
17,201 to 21,500 .....	20
21,501 to 25,000 .....	25
25,001 to 33,000 .....	30
33,001 to 41,000 .....	40

41,001 to 50,000 .....	50
50,001 to 59,000 .....	60
59,001 to 70,000 .....	70
70,001 to 83,000 .....	80
83,001 to 96,000 .....	90
96,001 to 130,000 .....	100
130,001 to 220,000 .....	120
220,001 to 320,000 .....	150
320,001 to 450,000 .....	180

For each additional 150,000 in population, an additional 30 water samples shall be analyzed per sampling period." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-23. Inorganic chemical sampling and analytical requirements.** Each person who operates a public water supply system shall comply with the sampling and analytical requirements specified in 40 CFR 141.23, as in effect on July 1, 2003 and hereby adopted by reference, with the addition of the following text, which shall be added at the beginning of 40 CFR 141.23(c):

"Inorganic analysis for calcium, chloride, iron, magnesium, manganese, pH, potassium, silica, sodium, specific conductance, sulfate, total alkalinity, total dissolved solids, total hardness, and total phosphorus shall be required from each community water supply system with its own source of supply and from each non-transient, non-community water supply system with its own source of supply. Each person operating a groundwater system shall take one sample at each sampling point during each compliance period. Each person operating a surface water system (or combined surface water and groundwater system) shall take one sample annually at each sampling point." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-24. Requirements for sampling and analyzing organic chemicals.** The provisions of 40 CFR 141.24, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-25. Analytical methods for measuring radioactivity.** The provisions of 40 CFR 141.25, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-26. Frequency of monitoring for radioactivity.** The provisions of 40 CFR 141.26, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-27. Alternate analytical techniques.** The provisions of 40 CFR 141.27, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-28. Approved laboratories.** The provisions of 40 CFR 141.28, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

(continued)

**28-15a-29. Monitoring of consecutive public water supply systems.** The provisions of 40 CFR 141.29, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-31. General reporting requirements.** The provisions of 40 CFR 141.31, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-33. General record maintenance.** The provisions of 40 CFR 141.33, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-41. Special monitoring for sodium.** The provisions of 40 CFR 141.41, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-42. Special monitoring for corrosivity characteristics.** The provisions of 40 CFR 141.42, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-43. Prohibition on use of lead pipes, solder, and flux.** The provisions of 40 CFR 141.43(a) and (d), as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-60. Effective dates for maximum contaminant levels and maximum residual disinfectant levels.** The provisions of 40 CFR 141.60, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-61. Maximum contaminant levels for organic contaminants.** The provisions of 40 CFR 141.61, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-62. Maximum contaminant levels for inorganic contaminants.** The provisions of 40 CFR 141.62, as in effect on July 1, 2003, are hereby adopted by reference with the addition of the following text:

“(e) The maximum contaminant level for arsenic shall apply only to community water supply systems. The analyses and determination of compliance with the 0.05 milligrams per liter maximum contaminant level for arsenic shall conform to the requirements of K.A.R. 28-15a-23.

“(f) The maximum contaminant level for arsenic shall be 0.05 milligrams per liter for community water supply systems until January 23, 2006.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-63. Maximum contaminant levels for microbiological contaminants.** The provisions of 40 CFR 141.63, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-64. Maximum contaminant levels for disinfection byproducts.** The provisions of 40 CFR 141.64, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-65. Maximum residual disinfectant levels.** The provisions of 40 CFR 141.65, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-66. Maximum contaminant levels for radionuclides.** The provisions of 40 CFR 141.66, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-70. General requirements for filtration and disinfection.** The provisions of 40 CFR 141.70(a) through (c), as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-72. Disinfection.** Each person who operates a public water supply system using a surface water source or groundwater under the direct influence of a surface water source shall comply with the disinfection requirements specified in 40 CFR 141.72, as in effect on July 1, 2003 and hereby adopted by reference, with the following alterations:

(a) 40 CFR 141.72(a) shall be deleted.

(b) 40 CFR 141.72(b)(3)(i) shall be replaced with the following text:

“When chlorination is employed, a sufficient amount of chlorine shall be added to the water to maintain a distribution system chlorine residual of at least 0.2 mg/L of free chlorine or 1.0 mg/L of combined chlorine.

“Failure to maintain a residual as specified in paragraph (b)(1) in more than five percent of measurements taken each month, in any two consecutive months, shall be deemed a violation of this regulation.

“Each day the public water supply system serves water to customers, the operator shall make a measurement of the chlorine residual. The data shall be recorded in a manner that enables the secretary to determine whether or not the requirements of this regulation have been met.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-73. Filtration.** Each person who operates a public water supply system that uses a surface water source or groundwater under the direct influence of a surface water source shall comply with the filtration requirements specified in 40 CFR 141.73, as in effect on July 1, 2003 and hereby adopted by reference, with the following modifications:

(a) 40 CFR 141.73(a)(4) shall be replaced with the following: “Beginning January 1, 2005, public water supply systems serving fewer than 10,000 people shall meet the turbidity requirements in 40 CFR 141.550 through 40 CFR 141.553.”

(b) 40 CFR 141.73(d) shall be replaced with the following: “Other filtration technologies. A public water supply system may use a filtration technology not listed in sub-

sections (a) through (c) of this regulation if it demonstrates to the state, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of 40 CFR 141.72(b), consistently achieves either 99.9 percent removal or inactivation, or both, of *Giardia lamblia* cysts and either 99.99 percent removal or inactivation of viruses, or both. For a system that makes this demonstration, the requirements of subsection (b) of this regulation shall apply. Beginning January 1, 2002, systems serving at least 10,000 people shall meet the requirements for other filtration technologies in 40 CFR 141.173(b). Beginning January 1, 2005, systems serving fewer than 10,000 people shall meet the requirements for other filtration technologies in 40 CFR 141.550 through 40 CFR 141.553." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-74. Filtration and disinfection: analytical and monitoring requirements.** The provisions of 40 CFR 141.74, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-75. Filtration and disinfection: reporting and recordkeeping requirements.** The provisions of 40 CFR 141.75, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-76. Filter recycling requirements.** The provisions of 40 CFR 141.76, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-80. General requirements for control of lead and copper.** The provisions of 40 CFR 141.80, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-81. Applicability of corrosion control treatment steps.** The provisions of 40 CFR 141.81, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-82. Requirements for corrosion control treatment.** The provisions of 40 CFR 141.82(a) through (h), as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-83. Requirements for source water treatment.** The provisions of 40 CFR 141.83(a) through (b)(6), as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-84. Requirements for lead service line replacement.** The provisions of 40 CFR 141.84, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-85. Requirements for public education and supplemental monitoring.** The provisions of 40 CFR

141.85, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-86. Monitoring requirements for lead and copper in tap water.** The provisions of 40 CFR 141.86, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-87. Monitoring requirements for water quality parameters.** The provisions of 40 CFR 141.87, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-88. Monitoring requirements for lead and copper in source water.** The provisions of 40 CFR 141.88, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-89. Analytical methods for control of lead and copper.** The provisions of 40 CFR 141.89, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-90. Reporting requirements for lead and copper control.** The provisions of 40 CFR 141.90, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-91. Recordkeeping requirements for lead and copper control.** The provisions of 40 CFR 141.91, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-100. Requirements for public water supply systems using point-of-entry devices.** The provisions of 40 CFR 141.100, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-101. Use of bottled water.** Each person operating a public water supply system shall ensure that the system uses bottled water only in accordance with 40 CFR 141.101, as in effect on July 1, 2003 and hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-110. General requirements for treatment techniques.** The provisions of 40 CFR 141.110, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-111. Treatment techniques for acrylamide and epichlorohydrin.** The provisions of 40 CFR 141.111, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-130. Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors:**  
(continued)

**general requirements.** The provisions of 40 CFR 141.130, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-131. Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors: analytical requirements.** The provisions of 40 CFR 141.131, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-132. Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors: monitoring requirements.** The provisions of 40 CFR 141.132, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-133. Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors: compliance requirements.** The provisions of 40 CFR 141.133, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-134. Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors: reporting and recordkeeping requirements.** The provisions of 40 CFR 141.134, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-135. Treatment technique for control of disinfection byproduct precursors.** The provisions of 40 CFR 141.135, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-151. Applicability of requirement for consumer confidence reports.** The provisions of 40 CFR 141.151 and appendix A to subpart O of part 141, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-152. Effective dates for required consumer confidence reports.** The provisions of 40 CFR 141.152, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-153. Content of consumer confidence reports.** The provisions of 40 CFR 141.153, as in effect on July 1, 2003, are hereby adopted by reference. However, the text in 40 CFR 141.153(d)(1)(i) shall be replaced by the following: "Contaminants subject to an MCL, action level, maximum residual disinfectant level, treatment technique for regulated contaminants, and those contaminants listed in K.A.R. 28-15a-23 which are not subject to an MCL but are still required to be monitored." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-154. Required additional health information.** The provisions of 40 CFR 141.154, as in effect on July

1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-155. Report delivery and recordkeeping.** The provisions of 40 CFR 141.155, as in effect on July 1, 2003, are hereby adopted by reference, with the following alterations:

(a) The text in 40 CFR 141.155(c) shall be replaced by the following: "No later than the date a community water supply system is required to distribute the report to its customers, that system shall mail a copy of the report to the department, including a certification of delivery that the report has been distributed to customers and that the information is correct and consistent with the compliance monitoring data contained in the report."

(b) The text in 40 CFR 141.155(g) shall be deleted. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-170. General requirements for enhanced filtration and disinfection for subpart H systems serving 10,000 or more people.** The provisions of 40 CFR 141.170, as in effect on July 1, 2003, are hereby adopted by reference with the following alterations:

(a) 40 CFR 141.170(c) shall be deleted.

(b) 40 CFR 141.170(d) shall be replaced with the following: "The persons operating Subpart H public water supply systems that did not conduct optional monitoring under 40 CFR 141.172 because the public water supply systems served fewer than 10,000 persons when such monitoring was required, but serve more than 10,000 persons before January 1, 2005 shall comply with 40 CFR 141.170, 141.171, 141.173, 141.174, and 141.175. The persons operating these public water supply systems shall also consult with the state to establish a disinfection benchmark. Each person that operates a public water supply system who decides to make a significant change to the disinfection practice, as described in 40 CFR 141.172(c)(1)(i) through (iv), shall consult with the state before making the change." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-172. Disinfection profiling and benchmarking for subpart H systems serving 10,000 or more people.** The provisions of 40 CFR 141.172, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-173. Enhanced filtration requirements for subpart H systems serving 10,000 or more people.** The provisions of 40 CFR 141.173, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-174. Enhanced filtration sampling requirements for subpart H systems serving 10,000 or more people.** In addition to the monitoring requirements of K.A.R. 28-15a-74, each person who operates a public water supply system that is supplied by surface water or groundwater under the direct influence of surface water, serves at least 10,000 people, and provides conventional or direct filtration treatment shall comply with the filtration sampling requirements contained in 40 CFR 141.174, as in

effect on July 1, 2003 and hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-175. Enhanced filtration and disinfection reporting and recordkeeping requirements for subpart H systems serving 10,000 or more people.** In addition to complying with the reporting and recordkeeping requirements of K.A.R. 28-15a-75, each person who operates a public water supply system that is supplied by surface water or groundwater under the direct influence of surface water, serves at least 10,000 people, and provides conventional or direct filtration treatment shall comply with the reporting and recordkeeping requirements contained in 40 CFR 141.175, as in effect on July 1, 2003 and hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-201. General requirements for public notification.** Each person who operates a public water supply system shall comply with 40 CFR 141.201 and appendices A, B, and C to subpart Q of part 141, as in effect on July 1, 2003 and hereby adopted by reference, with the exception that endnote 8 to appendix B shall be replaced with the following text:

"There are various regulations that set turbidity standards for different types of public water supply systems, including 40 CFR 141.13, the 1989 surface water treatment rule (SWTR), the 1998 interim enhanced surface water treatment rule (IESWTR) and the 2001 long term 1 enhanced surface water treatment rule (LT1ESWTR). For public water supply systems subject to the IESWTR (systems serving at least 10,000 people, using surface water or groundwater under the influence of surface water) that use conventional or direct filtration, after January 1, 2002, the turbidity level of a public water supply system's combined filter effluent shall not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a public water supply system's combined filter effluent shall not exceed 1 NTU at any time. Public water supply systems subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration shall meet turbidity limits set by the primacy agency. For public water supply systems subject to the LT1ESWTR (public water supply systems serving fewer than 10,000 people, using surface water or groundwater under the influence of surface water) that use conventional or direct filtration, after January 1, 2005 the turbidity level of a public water supply system's combined filter effluent shall not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a public water supply system's combined filter effluent shall not exceed 1 NTU at any time. Public water supply systems subject to the LT1ESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration shall meet turbidity limits set by the primacy agency." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-202. Tier 1 public notice: form, manner, and frequency of notice.** The provisions of 40 CFR 141.202, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-203. Tier 2 public notice: form, manner, and frequency of notice.** The provisions of 40 CFR 141.203, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-204. Tier 3 public notice: form, manner, and frequency of notice.** The provisions of 40 CFR 141.204, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-205. Content of public notice.** The provisions of 40 CFR 141.205, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-206. Notice to new billing units or new customers.** The provisions of 40 CFR 141.206, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-207. Special notice of availability of results of unregulated contaminant monitoring.** Each person operating a public water supply system that is required to monitor for unregulated contaminants under 40 CFR 141.40 shall comply with the provisions of 40 CFR 141.207, as in effect on July 1, 2003 and hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-208. Special notice for exceedance of the secondary maximum contaminant level (SMCL) for fluoride.** The provisions of 40 CFR 141.208, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-209. Special notice for nitrate exceedances above MCL by non-community water supply systems (NCWSS).** The provisions of 40 CFR 141.209, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-210. Notice by department on behalf of the public water supply system.** The provisions of 40 CFR 141.210, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-500. General requirements for enhanced filtration and disinfection for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.500, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-501. Applicability of general requirements for enhanced filtration and disinfection in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.501, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

(continued)

**28-15a-502.** Effective dates of requirements for enhanced filtration and disinfection in subpart H systems serving fewer than 10,000 people. The requirements for enhanced filtration and disinfection for public water supply systems serving fewer than 10,000 people shall be effective on and after January 1, 2005 except where otherwise noted. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-503.** Compliance criteria for enhanced filtration and disinfection in subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.503(c) through (g), as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-530.** Disinfection profiling for subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.530, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-531.** Criteria for avoiding disinfection profiling in subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.531, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-532.** Effective dates for required disinfection profiling in subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.532, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-533.** Collection of disinfection profile data for subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.533, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-534.** Calculation of inactivation ratio for subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.534, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-535.** Inactivation ratio for viruses in subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.535, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-536.** Retention of disinfection profile data for subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.536, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-540.** Disinfection benchmark for subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.540, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-541.** Significant changes to disinfection practice in subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.541, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-542.** Consultation regarding significant change to disinfection practice for subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.542, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-543.** Calculation of disinfection benchmark for subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.543, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-544.** Disinfection benchmark for primary disinfectants other than chlorine for subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.544, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-550.** Requirements for combined filter effluent turbidity in subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.550, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-551.** Limits for strengthened combined filter effluent turbidity in subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.551, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-552.** Alternative filtration demonstration for subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.552, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-553.** Special provision for combined filter effluent in subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.553, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-560.** Requirements for individual filter turbidity in subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.560, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-561.** Contingency requirements for monitoring of individual filter turbidity in subpart H systems serving fewer than 10,000 people. The provisions of 40 CFR 141.561, as in effect on July 1, 2003, are hereby

adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-562. Special provision for continuous monitoring of combined filter effluent turbidity in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.562, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-563. Follow-up actions to monitoring of individual filter turbidity for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.563, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-564. Special provision for alternative turbidity exceedance levels in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.564, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-570. Reporting requirements for enhanced filtration and disinfection for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.570, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-571. Recordkeeping requirements for enhanced filtration and disinfection for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.571, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 031104

## State of Kansas

### Board of Tax Appeals

#### Permanent Administrative Regulations

#### Article 2.—PROCEEDINGS BEFORE THE BOARD

**94-2-21. Filing fees.** (a) The following fees shall be in effect for applications and appeals filed with the regular division of the board, except as specified in subsection (f):

- (1) Economic development exemption applications filed pursuant to Kansas constitution article 11,  
§ 13 .....\$250.00
- (2) Industrial revenue bond exemption applications filed pursuant to K.S.A. 79-201a *Second*, and amendments thereto .....\$250.00
- (3) Tax exemption applications not included in paragraphs (a)(1), (2), and (6) of this regulation ..... \$50.00
- (4) Tax grievance applications filed pursuant to K.S.A. 79-332a, 79-1422, 79-1427a, or 79-1702, and amendments thereto ..... \$15.00

(5) Equalization appeals filed pursuant to K.S.A. 79-1609, and amendments thereto, and payment-under-protest appeals filed pursuant to K.S.A. 79-2005, and amendments thereto, involving real estate, excluding appeals of the valuation or classification of single-family residential properties and farmsteads and excluding appeals by not-for-profit organizations specified in paragraph (a)(6) of this regulation, for the following valuations:

- \$250,000 or less ..... \$50.00 per parcel
- more than \$250,000 but not more  
than \$1,000,000 ..... \$75.00 per parcel
- more than \$1,000,000 but not more  
than \$5,000,000 .....\$125.00 per parcel
- more than \$5,000,000 but not more  
than \$10,000,000 .....\$ 175.00 per parcel
- more than \$10,000,000 .....\$ 200.00 per parcel

(6) Applications and appeals filed by not-for-profit organizations if the valuation of the property at issue is less than \$100,000 ..... \$10.00

(7) Equalization appeals filed pursuant to K.S.A. 79-1609, and amendments thereto, and payment-under-protest appeals filed pursuant to K.S.A. 79-2005, and amendments thereto, involving the assessment of personal property ..... \$50.00

(8) Appeals of mortgage registration fees filed pursuant to K.S.A. 79-3107c, and amendments thereto ..... \$15.00

(9) Appeals from final decisions of the director, or the director's designee, of the Kansas department of revenue, division of property valuation, for the following amounts in controversy:

- \$500 or less ..... \$25.00
- more than \$500 but not more than \$1,000 ..... \$50.00
- more than \$1,000 but not more than \$5,000 .....\$100.00
- more than \$5,000 but not more than \$10,000 ...\$175.00
- more than \$10,000 .....\$250.00

(10) Appeals from final decisions of the secretary, or the secretary's designee, of the Kansas department of revenue, division of taxation, excluding homestead property tax refund appeals under K.S.A. 79-4501 *et seq.*, and amendments thereto, and excluding food sales tax refund appeals under K.S.A. 79-3632 *et seq.*, and amendments thereto, for the following amounts in controversy:

- \$500 or less ..... \$25.00
- more than \$500 but not more than \$1,000 ..... \$50.00
- more than \$1,000 but not more than \$5,000 .....\$100.00
- more than \$5,000 but not more than \$10,000 ...\$175.00
- more than \$10,000 .....\$250.00

(11) No-fund warrants, temporary notes or bond applications, requests to exceed the adopted budget, and mill levy disagreements filed pursuant to K.S.A. 79-2938, 79-2939, 79-2951, 79-5023, 12-110a, 12-1662 *et seq.*, or 19-2752a, and amendments thereto, or any other related statute ..... \$50.00

(12) Applications by school districts to levy an ad valorem tax as provided in K.S.A. 72-6441, and amendments thereto .....no filing fee

(13) Requests for reappraisal and complaints filed pursuant to K.S.A. 79-1413a, 79-1479, or 79-1481, and amendments thereto ..... \$50.00

(b) The following fees shall be in effect for applications and appeals filed with the small claims division of the board, except as specified in subsection (f):

(continued)



(1) Equalization appeals filed pursuant to K.S.A. 79-1609, and amendments thereto, and payment-under-protest appeals filed pursuant to K.S.A. 79-2005, and amendments thereto, involving real estate, excluding appeals of the valuation or classification of single-family residential properties and farmsteads and excluding appeals by not-for-profit organizations specified in paragraph (b)(2) of this regulation ..... \$20.00 per parcel

(2) Applications and appeals filed by not-for-profit organizations if the valuation of the property at issue is less than \$100,000 ..... \$10.00

(3) Equalization appeals filed pursuant to K.S.A. 79-1609, and amendments thereto, and payment-under-protest appeals filed pursuant to K.S.A. 79-2005, and amendments thereto, involving the assessment of personal property ..... \$20.00

(4) Appeals from final decisions of the secretary, or the secretary's designee, of the Kansas department of revenue, division of taxation, excluding homestead property tax refund appeals under K.S.A. 79-4501 *et seq.*, and amendments thereto, and excluding food sales tax refund appeals under K.S.A. 79-3632 *et seq.*, and amendments thereto, and appeals from final decisions of the director, or the director's designee, of the Kansas department of revenue, division of property valuation ..... \$20.00

(c) For purposes of this regulation, "valuation" shall mean the valuation shown on the county notice of valuation or the valuation at the time of the filing of the appeal with the regular division of the board if the valuation has been reduced by the county appraiser at the informal hearing, by the hearing officer panel, or by the small claims division. The filing fee on multiple, contiguous parcels that comprise one economic unit and are owned by the same person or entity shall require one filing fee for the highest-valued parcel, as specified in paragraphs (a)(5) and (b)(1) of this regulation, and \$15.00 for each additional parcel.

(d) Except as specified in this subsection, each application and appeal listed in subsections (a) and (b) shall be accompanied by the applicable filing fee in the form of a check or money order made payable to the board of tax appeals or shall be paid by credit card. If the fee does not accompany the filed application or appeal, the fee shall be received by the board within seven business days of the receipt of the application or appeal. If the fee is not received within this time period, the application or appeal shall be considered not appropriately filed with the board, and the application or appeal shall be dismissed.

(e)(1) If an applicant or taxpayer by reason of poverty is unable to pay a filing fee and files an affidavit that states this reason and is accompanied by supporting documentation, the filing fee may be waived by the board.

(2) If an applicant or taxpayer asserts that multiple applications or appeals should be filed as one application or appeal, upon written request and demonstration that the matters should be filed as one application or appeal, all fees or a portion of the fees may be waived by the board. If the fees have already been paid, all fees paid or a portion of the fees paid may be refunded by the board.

(f) Public school districts shall be exempt from paying filing fees. (Authorized by and implementing K.S.A. 2003 Supp. 74-2438a; effective, T-94-8-28-03, Aug. 28, 2003; effective Dec. 5, 2003; amended, T-94-5-27-04, May 27, 2004; amended Oct. 1, 2004.)

Carl Edwards  
Secretary

Doc. No. 031128

## State of Kansas

### Department of Administration Division of Facilities Management

#### Notice of Commencement of Negotiations for On-Call Architectural Services

Notice is hereby given of the commencement of negotiations for "on-call" architectural services for small projects at the University of Kansas School of Medicine-Wichita. The contract will be for one year, renewable for two additional one-year periods.

For more information concerning the scope of services, contact Dave Roland, (913) 588-9011.

To be considered, a letter of interest, an SF330 Part I, information regarding similar projects and an SF330 Part II for each firm and consultant should be provided in one bound proposal. Also required are four bound copies of the same information and one CD with one PDF file of the same information. Proposals should be concise and follow the 2004 State Building Advisory Commission guidelines, which have previously been distributed to firms. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Room 600, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796. Submittals should be received by Phyllis Fast before noon October 1.

D. Keith Meyers  
Director, Division of  
Facilities Management

Doc. No. 031127

## State of Kansas

### Secretary of State

#### Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of August 2004 for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

#### Domestic Corporations

A.T.G. Sports Industries Inc., Wichita, KS.  
Alliance Financial Group, Inc., Wichita, KS.  
Ann's Laundry and Dry Cleaners, Inc., Kansas City, KS.  
Ashwani Foundation, Prairie Village, KS.  
BJF, Inc., Paola, KS.  
Bohemian Kennel, Inc., Abilene, KS.  
Chem-Trol, Inc., Kansas City, KS.  
Co-op Service, Inc., Dodge City, KS.  
Fraternal Order of Eagles, No. 3650, Clay Center, Kansas, Inc., Clay Center, KS.  
Grand Court-Overland Park, LLC, Chicago, IL.  
Janzen-Elder Insurance and Real Estate, Inc., Elkhart, KS.  
Kansas Assets Management, Inc., Belton, MO.  
Korean Church of Manhattan, Inc., Manhattan, KS.  
Lane Equipment, Inc., Overland Park, KS.  
Lusher Enterprises, Inc., Merriam, KS.  
M. & J. Treats, Inc., Overland Park, KS.  
No Pain Jane, Inc., Leawood, KS.



North Street Bar and Grill, Inc., Seneca, KS.  
 Petman Products, Inc., San Antonio, TX.  
 Prestige Boats, Inc., Belton, MO.  
 Reach-All, Inc., Wichita, KS.  
 Redempco Properties Corporation, a Kansas Close Corporation, Overland Park, KS.  
 Scissors, Inc., Hutchinson, KS.  
 Scott & Landers, Inc., Wichita, KS.  
 Servus Electronics, Inc., Wichita, KS.  
 St. Andrew Missionary Baptist Church, Incorporated, Kansas City, Kansas, Kansas City, KS.  
 Stewart & Ediger Construction, Inc., McPherson, KS.  
 The American Association of Teachers of Spanish and Portuguese, Inc., Exton, PA.  
 Trimmell Enterprises, Inc., Wichita, KS.  
 Vegetation Management Supply, Inc., Kansas City, KS.  
 Wagler Dairy, Inc., Partridge, KS.  
 Wagon Wheel Ranch, Incorporated, Andover, KS.  
 Wichita Post-Polio Support Group, Inc., Bel Aire, KS.  
 Winfield Youth Football, Inc., Winfield, KS.

### Foreign Corporations

Abercrombie & Fitch Stores, Inc., Columbus, OH.  
 Burns Industries, Inc., Carrollton, TX.  
 Camoplast Rockland, Ltd., Plattsburgh, NY.  
 Computer Network Technology Corporation, Plymouth, MN.  
 Dorman Brothers, LLC, Burlington, CO.  
 Grove Winnelson Co., Gilbert, AZ.  
 Hope Company, LLC, Longmont, CO.  
 Lincoln Winlectric Co., La Vista, NE.  
 Marketing Promotion Strategies, Inc., Indianapolis, IN.  
 New Weathervane Retail Corp., New Britain, CT.  
 Omaha Hydro Winpump Co., La Vista, NE.  
 Southwest Professional Vehicles I, Inc., Dallas, TX.  
 Southwest Professional Vehicles, Inc., Dallas, TX.  
 Sunglass Hut Trading Corporation, Mason, OH.  
 The Home Depot Supply, Inc., San Diego, CA.  
 The Walking Company, Chatsworth, CA.  
 Worldxchange Corp., Alpharetta, GA.

Ron Thornburgh  
 Secretary of State

Doc. No. 031124

## State of Kansas

### Social and Rehabilitation Services

#### Request for Comments

The following proposed ICFs-MR cost center limits are being set forth for public comment, which will expire in 30 days from the publication of this notice. Comments should be sent to Clarissa M. Ashdown, Community Integration Manager, Community Supports and Services, 10th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Copies of this notice will be sent to all licensed and Medicaid-certified ICFs-MR.

K.A.R. 30-10-214 provides for the annual review and adjustment of Class II ICFs-MR cost center limits, approved by the secretary of SRS or designee, based on current cost information supplied by the enrolled, licensed providers of ICF-MR services, and formula set forth in the Kansas State Medicaid Plan (Attachment 4.19-D, Part II, Subpart O, page 1). The formula is as follows: total allowable costs, including an inflation factor, are compared to the amount to be reimbursed under the current limits. The formula threshold requires that 75 percent of

all ICFs-MR are reimbursed 95 percent of their allowable costs. If less than 75 percent of the facilities are reimbursed 95 percent of their allowable costs, then the cost center limits are adjusted until the threshold is met. The inflation factor is based on the Consumer Price Index.

Per the Kansas State Medicaid Plan (Attachment 4.19-D, Part II, Subpart O, page 1) an amendment must be submitted to the federal Department of Health and Human Services Centers for Medicaid and Medicare Services, changing the cost center limitations for ICFs-MR. SRS, through the Division of Health Care Policy, Community Supports and Services (SRS/HCP/CSS), proposes to increase current cost center limitations for ICFs-MR effective October 1, 2003. SRS/HCP/CSS staff compared the reported allowable costs of all ICFs-MR with the current cost center limitations for habilitation and administration—the two cost centers with cost caps—and adjustment cost center limitations will be made.

The cost analysis for FY 04 showed that 45 percent of the Class II ICFs-MR were being reimbursed 95 percent or more of their allowable costs. Based on cost report analysis, Class II ICFs-MR will receive an increase in their cost center limits. The limits are as follows:

Increase Size B administration to \$23.75  
 Increase Size B-LOC 1 habilitation to \$157.50  
 Increase Size C-LOC 1 habilitation to \$213.65  
 Increase Size C-LOC 2 habilitation to \$164.50

#### Administration:

Size	Per Diem
A	\$10.00
B	\$23.75
C	\$28.00

#### Habilitation:

Size	Location	Per Diem
A	2	\$118.25
B	1	\$157.50
B	3	\$133.40
C	1	\$213.65
C	2	\$164.50
C	3	\$151.00

#### Fiscal Impact

Increasing rates will overexpend the Class II ICFs-MR budget. The base ICF budget for FY 04 equals \$16,953,662.00; the ICF program will spend \$18,513,444.16 (vacancy and patient liability inclusive), a difference of \$1,559,782.16 or 9.20 percent.

Janet Schalansky  
 Secretary of Social and Rehabilitation Services

Doc. No. 031133

## State of Kansas

**Social and Rehabilitation Services****Request for Comments**

The following proposed ICFs-MR cost center limits are being set forth for public comment, which will expire in 30 days from the publication of this notice. Comments should be sent to Clarissa M. Ashdown, Community Integration Manager, Community Supports and Services, 10th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Copies of this notice will be sent to all licensed and Medicaid-certified ICFs-MR.

K.A.R. 30-10-214 provides for the annual review and adjustment of Class II ICFs-MR cost center limits, approved by the secretary of SRS or designee, based on current cost information supplied by the enrolled, licensed providers of ICF-MR services, and formula set forth in the Kansas State Medicaid Plan (Attachment 4.19-D, Part II, Subpart O, page 1). The formula is as follows: total allowable costs, including an inflation factor, are compared to the amount to be reimbursed under the current limits. The formula threshold requires that 75 percent of all ICFsMR are reimbursed 95 percent of their allowable costs. If less than 75 percent of the facilities are reimbursed 95 percent of their allowable costs, then the cost center limits are adjusted until the threshold is met. The inflation factor is based on the Consumer Price Index.

To determine where to make the adjustments, two major cost centers are analyzed according to the following prescription:

- Administrative costs are based on facility size.
- Habilitation costs are based on facility size and level of care (LOC).

The cost analysis for 2004 showed that 82 percent of the Class II ICFs-MR were being reimbursed 95 percent or more of their allowable costs. Per the state plan, the analysis indicates that adjustments are not necessary.

**Recommendations**

Based on cost report analysis and available funding, Class II ICFs-MR will not receive an increase in their cost center limits. The limits will remain as follows:

**Administration:**

Size	Per Diem
A	\$23.75
B	\$23.75
C	\$28.00

**Habilitation:**

Size	Location	Per Diem
A	2	\$118.25
B	1	\$157.50
B	3	\$133.40
C	1	\$213.65
C	2	\$164.50
C	3	\$151.00

**Fiscal Impact**

The ICFs-MR program will overexpend its budget for the second year. The Kansas Legislature added additional funding (for FY 05 only) to the base ICF budget for a total of \$17,839,402 for FY 05. The ICF program will spend \$18,849,52.60. When patient liability and a vacancy factor (projected at 92 percent) are removed, it is estimated that the program will spend \$18,261,220.39, a difference of \$421,818.39 or 2.36 percent.

Janet Schalansky  
Secretary of Social and  
Rehabilitation Services

Doc. No. 031132

**State of Kansas****Office of the Governor****Executive Order 04-09**

WHEREAS, the Director of the Kansas Water Office has informed me, pursuant to K.S.A. 74-2608, of the present status of drought conditions within the state; and

WHEREAS, drought conditions have improved in many areas, but continue to persist in the northwest; and

WHEREAS, the Kansas Emergency Management Act (K.S.A. 48-924) states that the Governor shall be responsible for meeting the dangers to the state and its people from disasters, including drought.

NOW THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby:

1. Rescind all county drought stage declarations made on June 15, 2004; and

2. Declare a Drought Watch or Drought Warning for the counties identified below; and

3. Authorize and direct all agencies under the jurisdiction of the Governor to implement the appropriate Watch or Warning-level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team.

Drought Warning Counties by Climate/Crop  
Reporting District

Northwest: Cheyenne, Decatur, Rawlins, Sheridan,  
Sherman, Thomas.

Drought Watch Counties by Climate/Crop Reporting  
District

Northwest: Graham, Norton.

North Central: Phillips, Rooks, Smith.

West Central: Gove, Logan, Trego, Wallace.

This document shall be filed with the Secretary of State as Executive Order No. 04-09 and shall become effective immediately.

County drought stages declared in this Executive Order shall remain in effect until revised or rescinded by a subsequent Executive Order.

Dated September 8, 2004.

Kathleen Sebelius  
Governor  
Attest: Ron Thornburgh  
Secretary of State

Doc. No. 031125

# INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2003 Volumes of the *Kansas Administrative Regulations*.

## AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-6-21	Amended	V. 22, p. 1968
1-6-23	Amended (T)	V. 22, p. 466
1-6-23	Amended	V. 22, p. 1230
1-9-4	Amended	V. 23, p. 718
1-45-1 through		
1-45-7	Revoked	V. 22, p. 226
1-45-7a	Revoked	V. 22, p. 226
1-45-8 through		
1-45-14	Revoked	V. 22, p. 226
1-45-15	Revoked	V. 22, p. 226
1-45-16	Revoked	V. 22, p. 226
1-45-17	Revoked	V. 22, p. 226
1-45-18 through		
1-45-24	New	V. 22, p. 226-228
1-45-18	Amended (T)	V. 23, p. 424
1-45-18	Amended	V. 23, p. 1044
1-45-19	Amended (T)	V. 23, p. 424
1-45-19	Amended	V. 23, p. 1044
1-45-20	Amended (T)	V. 23, p. 424
1-45-20	Amended	V. 23, p. 1045
1-45-23	Amended (T)	V. 23, p. 425
1-45-23	Amended	V. 23, p. 1045
1-45-24	Amended (T)	V. 23, p. 425
1-45-24	Amended	V. 23, p. 1045
1-47-1	Amended	V. 22, p. 850
1-49-1	Amended	V. 22, p. 851
1-49-12	New	V. 22, p. 851

## AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-4-900	Amended	V. 22, p. 1191
4-4-956	Amended	V. 22, p. 1192
4-4-982	Amended	V. 22, p. 1192
4-4-983	Amended	V. 22, p. 1192
4-4-985	New	V. 22, p. 1193
4-4-986	New	V. 22, p. 1194
4-8-14a	Amended (T)	V. 23, p. 900
4-8-14a	Amended	V. 23, p. 1102
4-8-27 through		
4-8-37	Amended	V. 23, p. 1102, 1103
4-8-39	Amended	V. 23, p. 1103
4-8-40	Amended (T)	V. 23, p. 901
4-8-40	Amended	V. 23, p. 1103
4-8-42	Amended	V. 23, p. 1103
4-8-43	New (T)	V. 22, p. 82
4-8-43	New	V. 22, p. 432
4-11-2	Amended	V. 23, p. 895
4-11-3	Amended	V. 23, p. 895
4-11-6	Revoked	V. 23, p. 896
4-11-7	Revoked	V. 23, p. 896
4-11-8	Amended	V. 23, p. 896
4-11-9	Amended	V. 23, p. 896
4-11-14	Amended	V. 23, p. 896
4-13-1	Amended	V. 22, p. 1194
4-13-2	Amended	V. 22, p. 1195
4-13-4a	Amended	V. 22, p. 1195
4-13-6	Amended	V. 22, p. 1196
4-13-7	Amended	V. 22, p. 1196
4-13-26	Amended	V. 22, p. 1196
4-20-5	Amended	V. 22, p. 1747

4-20-11	Amended	V. 22, p. 385
4-20-15	Amended	V. 22, p. 385
4-21-1	Amended	V. 22, p. 385
4-21-3	Amended	V. 22, p. 386
4-21-4	Amended	V. 22, p. 386
4-21-5	Amended	V. 22, p. 387
4-21-6	Amended	V. 22, p. 387
4-21-7	New	V. 22, p. 387
4-25-16	Amended (T)	V. 22, p. 2176
4-25-16	Amended	V. 23, p. 95

## AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-1-1	Amended	V. 22, p. 1747
5-1-4	Amended	V. 22, p. 1751
5-1-6	Amended	V. 22, p. 1752
5-1-9	Amended	V. 22, p. 1753
5-1-12	Amended	V. 22, p. 1753
5-3-1	Amended	V. 22, p. 1753
5-3-1b	New	V. 22, p. 1754
5-3-3a	New	V. 22, p. 1754
5-3-4c	Amended	V. 22, p. 1754
5-3-4d	Amended	V. 22, p. 1754
5-3-4e	Amended (T)	V. 23, p. 1284
5-3-5c	Amended	V. 22, p. 1755
5-3-5o	New	V. 23, p. 1130
5-3-7	Amended	V. 22, p. 1755
5-3-16a	New	V. 22, p. 1755
5-3-19	Amended	V. 22, p. 1756
5-3-29	New (T)	V. 23, p. 1284
5-5-2a	New	V. 22, p. 1756
5-5-16	Amended	V. 22, p. 1757
5-6-13a	New	V. 22, p. 1758
5-6-15	Amended	V. 22, p. 1758
5-7-1	Amended	V. 22, p. 1758
5-9-1	Amended	V. 22, p. 1759
5-9-6	Amended	V. 22, p. 1759
5-14-10	New	V. 22, p. 1759
5-14-11	New	V. 22, p. 1760
5-17-1 through		
5-17-18	New	V. 23, p. 1131-1137
5-23-1	Amended	V. 23, p. 181
5-23-3	Amended	V. 23, p. 181
5-23-3a	Amended	V. 23, p. 182
5-23-4	Amended	V. 22, p. 1933
5-23-4a	Amended	V. 22, p. 1933
5-23-4b	Amended	V. 22, p. 1934
5-23-5	Revoked	V. 22, p. 1935
5-24-1	Amended	V. 23, p. 65
5-24-2	Amended	V. 23, p. 65
5-24-3	Amended	V. 23, p. 66
5-24-4	Amended	V. 23, p. 68
5-24-6	Amended	V. 23, p. 68
5-24-8	Amended	V. 23, p. 68
5-24-11	New	V. 23, p. 69
5-25-1	Amended	V. 22, p. 1819
5-25-2	Amended	V. 22, p. 1819
5-25-2a	New	V. 22, p. 1819
5-25-3	Amended	V. 22, p. 1820
5-25-4	Amended	V. 22, p. 1820
5-25-5	Amended	V. 22, p. 1820
5-25-8	Amended	V. 22, p. 1821
5-25-10	Amended	V. 22, p. 1821
5-25-11	Amended	V. 22, p. 1821
5-25-12 through		
5-25-20	New	V. 22, p. 1821-1824

## AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-16-1	New (T)	V. 22, p. 1226
7-16-1	New	V. 22, p. 1650
7-16-2	New (T)	V. 22, p. 1226
7-16-2	New	V. 22, p. 1650

## AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-18-1	Amended	V. 22, p. 794
9-18-2	New (T)	V. 22, p. 1260
9-18-2	New	V. 22, p. 1850

9-18-3	New (T)	V. 22, p. 1260
9-18-3	New	V. 22, p. 1850
9-19-1 through		
9-19-11	Revoked (T)	V. 22, p. 1261
9-19-1 through		
9-19-11	Revoked	V. 22, p. 1816
9-19-12	New (T)	V. 22, p. 1261
9-19-12	New	V. 22, p. 1816
9-22-4	Amended (T)	V. 22, p. 1261
9-22-4	Amended	V. 22, p. 1507
9-22-5	Amended (T)	V. 22, p. 1262
9-22-5	Amended	V. 22, p. 1508
9-25-2	Amended (T)	V. 22, p. 1264
9-25-3	Amended (T)	V. 22, p. 1264
9-25-5	Amended (T)	V. 22, p. 1265
9-25-5	Amended	V. 22, p. 1817
9-25-6	Amended (T)	V. 22, p. 1266
9-25-6	Amended	V. 22, p. 1818
9-25-12	Amended (T)	V. 22, p. 1267
9-25-12	Amended	V. 22, p. 1850
9-26-1	Amended (T)	V. 22, p. 1267
9-26-1	Amended	V. 22, p. 1818

## AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Reg. No.	Action	Register
14-13-9	Amended	V. 22, p. 1929
14-15-1	New	V. 22, p. 123
14-15-2	New	V. 22, p. 123

## AGENCY 17: STATE BANK COMMISSIONER (see Agency 75, this index)

Reg. No.	Action	Register
17-8-1	New	V. 22, p. 1574
17-11-18	Amended	V. 22, p. 798
17-24-1	Amended	V. 22, p. 1574
17-24-4	New	V. 22, p. 1816

## AGENCY 19: GOVERNMENTAL ETHICS COMMISSION

Reg. No.	Action	Register
19-2-2	Amended	V. 23, p. 41
19-20-4	New	V. 23, p. 42
19-60-3	Amended	V. 23, p. 42
19-63-6	Amended	V. 23, p. 43

## AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-1-2	Amended	V. 23, p. 978
22-1-7	New	V. 23, p. 978

## AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-2-3	Amended	V. 22, p. 1258
26-2-9	Amended	V. 22, p. 1259

## AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended (T)	V. 22, p. 2030
28-1-2	Amended	V. 23, p. 202
28-1-4	Amended (T)	V. 22, p. 2031
28-1-4	Amended	V. 23, p. 203
28-1-20	Amended	V. 23, p. 360
28-4-576	Amended (T)	V. 23, p. 389
28-4-576	Amended	V. 23, p. 1255
28-4-577	Amended (T)	V. 23, p. 390
28-4-577	Amended	V. 23, p. 1257
28-4-578	Amended (T)	V. 23, p. 391
28-4-578	Amended	V. 23, p. 1257
28-4-583	Amended (T)	V. 23, p. 392
28-4-583	Amended	V. 23, p. 1258
28-4-585	Amended (T)	V. 23, p. 392
28-4-585	Amended	V. 23, p. 1259
28-4-587	Amended (T)	V. 23, p. 394
28-4-587	Amended	V. 23, p. 1260
28-4-590	Amended (T)	V. 23, p. 396
28-4-590	Amended	V. 23, p. 1262
28-4-591	Amended (T)	V. 23, p. 397
28-4-591	Amended	V. 23, p. 1264

(continued)

28-4-600		
through		
28-4-613	New	V. 23, p. 957-962
28-4-700		
through		
28-4-705	New (T)	V. 23, p. 398-400
28-4-700		
through		
28-4-705	New	V. 23, p. 1265, 1266
28-15-35	Amended	V. 23, p. 305
28-15-36	Amended	V. 23, p. 309
28-16-28b	Amended	V. 22, p. 1760
28-16-28d	Amended	V. 23, p. 39
28-16-28e	Amended	V. 22, p. 1763
28-17-6	Amended (T)	V. 22, p. 1225
28-17-6	Amended	V. 22, p. 1711
28-19-202	Amended	V. 23, p. 70
28-29-3	Amended	V. 22, p. 798
28-29-20	Amended	V. 22, p. 801
28-29-75		
through		
28-29-82	Amended	V. 23, p. 203-205
28-29-101	Revoked	V. 22, p. 802
28-29-109	Amended	V. 22, p. 802
28-29-300	New	V. 22, p. 2131
28-29-302	New	V. 22, p. 2131
28-29-304	New	V. 22, p. 2133
28-29-308	New	V. 22, p. 2134
28-29-321	New	V. 22, p. 2137
28-29-325	New	V. 22, p. 2137
28-36-30	Amended	V. 22, p. 1771
28-38-18	Amended	V. 22, p. 1575
28-38-19	Amended	V. 22, p. 1575
28-39-164		
through		
28-39-168	Amended	V. 22, p. 2094-2096
28-39-169	Revoked	V. 22, p. 2096
28-39-169a	New	V. 22, p. 2096
28-39-169b	New	V. 22, p. 2097
28-39-169c	New	V. 22, p. 2098
28-39-170		
through		
28-39-174	Revoked	V. 22, p. 2099
28-45-2	Revoked (T)	V. 22, p. 531
28-45-2	Revoked	V. 22, p. 1304
28-45-2a	New (T)	V. 22, p. 531
28-45-2a	New	V. 22, p. 1304
28-45-3	Revoked (T)	V. 22, p. 532
28-45-3	Revoked	V. 22, p. 1305
28-45-3a	New (T)	V. 22, p. 532
28-45-3a	New	V. 22, p. 1305
28-45-4	Revoked (T)	V. 22, p. 533
28-45-4	Revoked	V. 22, p. 1306
28-45-4a	New (T)	V. 22, p. 533
28-45-4a	New	V. 22, p. 1306
28-45-5	Revoked (T)	V. 22, p. 533
28-45-5	Revoked	V. 22, p. 1306
28-45-5a	New (T)	V. 22, p. 533
28-45-5a	New	V. 22, p. 1306
28-45-6	Revoked (T)	V. 22, p. 534
28-45-6	Revoked	V. 22, p. 1306
28-45-6a	New (T)	V. 22, p. 534
28-45-6a	New	V. 22, p. 1306
28-45-7	Revoked (T)	V. 22, p. 535
28-45-7	Revoked	V. 22, p. 1308
28-45-7a	New (T)	V. 22, p. 535
28-45-7a	New	V. 22, p. 1308
28-45-8	Revoked (T)	V. 22, p. 536
28-45-8	Revoked	V. 22, p. 1309
28-45-8a	New (T)	V. 22, p. 536
28-45-8a	New	V. 22, p. 1309
28-45-9	Revoked (T)	V. 22, p. 536
28-45-9	Revoked	V. 22, p. 1309
28-45-9a	New (T)	V. 22, p. 536
28-45-9a	New	V. 22, p. 1309
28-45-10	Revoked (T)	V. 22, p. 536
28-45-10	Revoked	V. 22, p. 1309
28-45-10a	New (T)	V. 22, p. 536
28-45-10a	New	V. 22, p. 1309
28-45-11	Revoked (T)	V. 22, p. 537
28-45-11	Revoked	V. 22, p. 1310
28-45-11a	New (T)	V. 22, p. 537
28-45-11a	New	V. 22, p. 1310
28-45-12		
through		
28-45-30	New (T)	V. 22, p. 537-548

28-45-12		
through		
28-45-30	New	V. 22, p. 1310-1321
28-45a-1		
through		
28-45a-19	New (T)	V. 22, p. 548-557
28-45a-1		
through		
28-45a-19	New	V. 22, p. 1321-1331
28-51-100	Amended	V. 22, p. 2099
28-51-108	Amended	V. 22, p. 2100
28-51-113		
through		
28-51-116	New	V. 22, p. 2100-2102

#### AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-39	Amended	V. 22, p. 1533
30-4-50	Amended	V. 23, p. 894
30-4-55	Amended	V. 22, p. 1533
30-4-90	Amended (T)	V. 23, p. 897
30-4-90	Amended	V. 23, p. 1104
30-4-96	Revoked	V. 22, p. 249
30-4-110	Amended	V. 22, p. 1534
30-5-59	Amended	V. 22, p. 2087
30-5-64	Amended	V. 23, p. 694
30-5-71	Amended	V. 23, p. 1211
30-5-78	Amended	V. 22, p. 2090
30-5-81u	Amended (T)	V. 22, p. 83
30-5-81u	Amended	V. 22, p. 432
30-5-89	Amended	V. 22, p. 1355
30-5-89a	Amended	V. 22, p. 1355
30-5-102	Amended (T)	V. 22, p. 83
30-5-102	Amended	V. 22, p. 2090
30-5-105	Amended (T)	V. 22, p. 83
30-5-105	Amended	V. 22, p. 2091
30-5-107	Amended	V. 22, p. 1043
30-5-107a	Amended	V. 22, p. 1044
30-5-116	Amended	V. 22, p. 2091
30-5-300	Amended	V. 22, p. 2091
30-6-65	Amended	V. 22, p. 1044
30-6-91	New	V. 23, p. 894
30-6-103	Amended (T)	V. 22, p. 84
30-6-103	Amended	V. 22, p. 433
30-6-106	Amended	V. 22, p. 249
30-6-108	Amended	V. 22, p. 1045
30-6-109	Amended	V. 22, p. 1045
30-10-14	Revoked	V. 22, p. 1355
30-10-15a	Amended	V. 22, p. 1355
30-10-17	Amended (T)	V. 22, p. 990
30-10-17	Amended	V. 22, p. 1233
30-10-18	Amended (T)	V. 22, p. 991
30-10-18	Amended	V. 22, p. 1234
30-10-19	Amended (T)	V. 22, p. 994
30-10-19	Amended	V. 22, p. 1236
30-10-21	Amended	V. 22, p. 1357
30-10-23b	Amended	V. 22, p. 1357
30-14-28	Amended (T)	V. 22, p. 84
30-14-28	Amended	V. 22, p. 434
30-44-5	New	V. 22, p. 1047
30-46-10	Amended	V. 23, p. 977
30-46-13	Amended	V. 23, p. 978
30-46-15	Amended	V. 23, p. 978
30-46-16	Amended	V. 23, p. 978
30-46-17	Amended	V. 23, p. 978
30-60-1	Amended	V. 22, p. 1090
30-60-2	Amended	V. 22, p. 1090
30-60-5	Amended	V. 22, p. 1090
30-60-6	Amended	V. 22, p. 1091
30-60-7	Amended	V. 22, p. 1092
30-60-8	New	V. 22, p. 1092
30-60-10	Amended	V. 22, p. 1093
30-60-11	Amended	V. 22, p. 1093
30-60-12	Amended	V. 22, p. 1093
30-60-13	New	V. 22, p. 1094
30-60-14	New	V. 22, p. 1094
30-60-15	New	V. 22, p. 1094
30-60-16	New	V. 22, p. 1094
30-60-17	Amended	V. 22, p. 1095
30-60-18	Amended	V. 22, p. 1095
30-16-19	Amended	V. 22, p. 1096
30-60-25	Amended	V. 22, p. 1096
30-60-26	Amended	V. 22, p. 1097

30-60-27	Amended	V. 22, p. 1097
30-60-28	Amended	V. 22, p. 1097
30-60-29	New	V. 22, p. 1097
30-60-30	New	V. 22, p. 1098
30-60-40	Amended	V. 22, p. 1098
30-60-41	Amended	V. 22, p. 1098
30-60-45	Amended	V. 22, p. 1099
30-60-46	Amended	V. 22, p. 1099
30-60-47	Amended	V. 22, p. 1099
30-60-48	New	V. 22, p. 1099
30-60-49	New	V. 22, p. 1100
30-60-50	Amended	V. 22, p. 1100
30-60-51	New	V. 22, p. 1101
30-60-55	Amended	V. 22, p. 1102
30-60-56	New	V. 22, p. 1103
30-60-57	New	V. 22, p. 1103
30-60-60	Revoked	V. 22, p. 1103
30-60-61	Revoked	V. 22, p. 1103
30-60-62	Amended	V. 22, p. 1103
30-60-63	New	V. 22, p. 1104
30-60-64	New	V. 22, p. 1105
30-60-70	Amended	V. 22, p. 1108
30-60-71	Amended	V. 22, p. 1108
30-60-72	Amended	V. 22, p. 1108
30-60-73	Amended	V. 22, p. 1108
30-60-74	Amended	V. 22, p. 1109
30-60-75	Revoked	V. 22, p. 1109
30-60-76	Amended	V. 22, p. 1109
30-61-1	Amended	V. 22, p. 1109
30-61-2	Amended	V. 22, p. 1109
30-61-5	Amended	V. 22, p. 1109
30-61-6	Amended	V. 22, p. 1110
30-61-10	Amended	V. 22, p. 1110
30-61-11	New	V. 22, p. 1110
30-61-15	Amended	V. 22, p. 1110
30-61-16	Revoked	V. 22, p. 1111

#### AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-40-1		
through		
36-40-9	New	V. 22, p. 1806, 1807

#### AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-48	Amended	V. 23, p. 426
40-1-50	New (T)	V. 23, p. 244
40-1-50	New	V. 23, p. 951
40-1-51	New	V. 23, p. 361
40-2-26	Amended	V. 23, p. 151
40-2-27	New	V. 23, p. 825
40-3-6	Amended	V. 23, p. 1212
40-3-20	Revoked	V. 23, p. 693
40-3-48	Amended	V. 22, p. 2008
40-4-1	Amended	V. 22, p. 1709
40-4-36	Amended	V. 22, p. 465
40-5-110	Amended	V. 22, p. 1709

#### AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-5-115	Amended (T)	V. 23, p. 384
44-5-115	Amended	V. 23, p. 952
44-6-115a	Amended (T)	V. 22, p. 383
44-6-115a	Amended	V. 22, p. 1231
44-7-104	Amended (T)	V. 23, p. 385
44-7-104	Amended	V. 23, p. 953
44-7-113	Amended (T)	V. 23, p. 386
44-7-113	Amended	V. 23, p. 955
44-12-313	Amended (T)	V. 23, p. 386
44-12-313	Amended	V. 23, p. 955
44-12-601	Amended (T)	V. 23, p. 387
44-12-601	Amended	V. 23, p. 955
44-12-1002	Amended (T)	V. 22, p. 384
44-12-1002	Amended	V. 22, p. 1232
44-13-201b	Amended (T)	V. 22, p. 384
44-13-201b	Amended	V. 22, p. 1232

#### AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 22, p. 1804
51-9-17	New	V. 22, p. 2031

**AGENCY 61: BOARD OF BARBERING**

Reg. No.	Action	Register
61-4-2	Amended (T)	V. 22, p. 1304
61-7-1	Amended (T)	V. 22, p. 1304

**AGENCY 65: BOARD OF EXAMINERS  
IN OPTOMETRY**

Reg. No.	Action	Register
65-4-3	Amended	V. 23, p. 893
65-5-6	Amended	V. 22, p. 1575
65-5-11	New	V. 23, p. 893
65-8-5	Revoked	V. 23, p. 893

**AGENCY 66: BOARD OF TECHNICAL  
PROFESSIONS**

Reg. No.	Action	Register
66-8-5	Amended	V. 23, p. 95

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-2-9	Amended	V. 22, p. 118
68-2-10	Amended	V. 22, p. 118
68-2-11	Amended	V. 22, p. 118
68-2-12a	Amended	V. 22, p. 118
68-2-15	Amended	V. 22, p. 430
68-2-20	Amended	V. 22, p. 119
68-7-12	Amended	V. 22, p. 119
68-7-12a	Amended	V. 22, p. 120
68-7-12b	New	V. 22, p. 120
68-7-20	New	V. 23, p. 382
68-8-1	Amended	V. 22, p. 431
68-9-2	Amended	V. 22, p. 121
68-11-1	Amended	V. 22, p. 122
68-11-2	Amended	V. 22, p. 122
68-12-2	Amended	V. 22, p. 122
68-13-1	Amended	V. 22, p. 122

**AGENCY 70: BOARD OF VETERINARY  
EXAMINERS**

Reg. No.	Action	Register
70-5-1	Amended	V. 23, p. 360

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-1-1	Revoked	V. 23, p. 151
71-1-2	Revoked	V. 23, p. 151
71-1-3	Revoked	V. 23, p. 151
71-1-8	Revoked	V. 23, p. 151
71-1-10	Revoked	V. 23, p. 151
71-1-11	Revoked	V. 23, p. 151
71-1-15	Amended	V. 23, p. 151
71-2-1	Revoked	V. 23, p. 151
71-2-4	Revoked	V. 23, p. 151
71-2-5	Amended	V. 23, p. 717
71-2-6	Revoked	V. 23, p. 718
71-2-7	Amended	V. 23, p. 718
71-2-9	Revoked	V. 23, p. 151
71-2-11	Amended	V. 23, p. 1286
71-2-12	Revoked	V. 23, p. 151
71-3-2	Amended	V. 23, p. 1286
71-3-4	Amended	V. 23, p. 1286
71-3-5	Revoked	V. 23, p. 151
71-3-9	New	V. 23, p. 1286
71-4-1	Amended	V. 23, p. 151
71-4-3	Revoked	V. 23, p. 152
71-6-1	Amended	V. 23, p. 383
71-6-5	Amended	V. 23, p. 718
71-7-1	New	V. 23, p. 152

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-1-1	Amended	V. 22, p. 1894
74-1-2	Amended	V. 22, p. 1894
74-1-3	Amended	V. 22, p. 1894
74-1-6	Amended	V. 22, p. 1895
74-1-8	New	V. 22, p. 1895
74-2-1	Amended	V. 22, p. 1896
74-2-4	Revoked	V. 22, p. 1896
74-4-7	Amended	V. 22, p. 1896
74-4-8	Amended	V. 22, p. 1896
74-4-9	Amended	V. 22, p. 1897
74-5-202	Amended	V. 22, p. 1898
74-11-6	Amended	V. 22, p. 1898

74-11-7	Amended	V. 22, p. 1898
74-12-1	Amended	V. 22, p. 1898

**AGENCY 75: STATE BANK  
COMMISSIONER—DIVISION OF CONSUMER  
AND MORTGAGE LENDING**

Reg. No.	Action	Register
75-6-33	New	V. 22, p. 1815
75-6-34	New	V. 22, p. 1454

**AGENCY 82: STATE CORPORATION  
COMMISSION**

Reg. No.	Action	Register
82-1-201	Revoked	V. 22, p. 1650
82-1-202	Amended	V. 22, p. 1650
82-1-204	Amended	V. 22, p. 1650
82-1-204a	New	V. 22, p. 1652
82-1-205	Amended	V. 22, p. 1652
82-1-206	Amended	V. 22, p. 1652
82-1-207	Amended	V. 22, p. 1652
82-1-208	Amended	V. 22, p. 1652
82-1-212	Amended	V. 22, p. 1652
82-1-214	Amended	V. 22, p. 1653
82-1-215	Amended	V. 22, p. 1653
82-1-216	Amended	V. 22, p. 1653
82-1-218	Amended	V. 22, p. 1653
82-1-219	Amended	V. 22, p. 1654
82-1-220	Amended	V. 22, p. 1655
82-1-221	Amended	V. 22, p. 1655
82-1-221b	Revoked	V. 22, p. 1656
82-1-222	Amended	V. 22, p. 1656
82-1-224	Amended	V. 22, p. 1656
82-1-225	Amended	V. 22, p. 1656
82-1-226	Amended	V. 22, p. 1657
82-1-227	Amended	V. 22, p. 1657
82-1-228	Amended	V. 22, p. 1657
82-1-229	Amended	V. 22, p. 1658
82-1-230	Amended	V. 22, p. 1659
82-1-230a	New	V. 22, p. 1659
82-1-231	Amended	V. 22, p. 1660
82-1-231a	Amended	V. 22, p. 1663
82-1-231b	Amended	V. 22, p. 1664
82-1-232	Amended	V. 22, p. 1665
82-1-235	Amended	V. 22, p. 1666
82-1-237	Amended	V. 22, p. 1666
82-1-238	Amended	V. 22, p. 1666
82-1-239	Amended	V. 22, p. 1667
82-3-101	Amended	V. 23, p. 426
82-3-600	Amended	V. 23, p. 429
82-3-600a	Amended	V. 23, p. 430
82-3-600b	Revoked	V. 23, p. 430
82-3-601a	Amended	V. 23, p. 430
82-3-601b	Amended	V. 23, p. 431
82-3-602	Amended	V. 23, p. 431
82-3-603	Amended	V. 23, p. 431
82-3-604	Amended	V. 23, p. 432
82-3-605	Revoked	V. 23, p. 432
82-3-606	Amended	V. 23, p. 432
82-3-607	New	V. 23, p. 433
82-3-700		
through		
82-3-704	Amended (T)	V. 23, p. 152-155
82-3-700		
through		
82-3-704	Amended	V. 23, p. 538-541
82-3-705		
through		
82-3-710	New (T)	V. 23, p. 155-158
82-3-705		
through		
82-3-710	New	V. 23, p. 541-544
82-4-2	Amended	V. 22, p. 86
82-4-3a	New (T)	V. 23, p. 1285
82-4-20	Amended	V. 22, p. 86
82-4-21	Amended	V. 22, p. 87
82-4-23	Amended	V. 22, p. 87
82-4-26	Amended	V. 22, p. 87
82-4-26a	Amended	V. 22, p. 88
82-4-27	Amended	V. 22, p. 88
82-4-27a	Amended	V. 22, p. 88
82-4-27e	Amended	V. 22, p. 89
82-4-28	Amended	V. 22, p. 89
82-4-28a	Amended	V. 22, p. 89
82-4-29	Amended	V. 22, p. 90

82-4-29a	Amended	V. 22, p. 90
82-4-30a	Amended	V. 22, p. 90
82-4-32	Amended	V. 22, p. 90
82-4-35	Amended	V. 22, p. 91
82-4-46	Amended	V. 22, p. 91

82-4-49b		
through		
82-4-49e	Revoked	V. 22, p. 91
82-7-2		
through		
82-7-5	Revoked	V. 22, p. 91
82-8-1	Amended	V. 22, p. 91
82-8-2	Amended	V. 22, p. 91
82-8-3	Amended	V. 22, p. 92
82-11-1	Amended	V. 22, p. 1078
82-11-3	Amended	V. 22, p. 1079
82-11-4	Amended	V. 22, p. 1079
82-11-8	Amended	V. 22, p. 1084
82-11-10	Amended	V. 22, p. 1084

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-23-2	Amended	V. 23, p. 276
88-23-2a	New	V. 23, p. 278
88-23-3	Revoked	V. 23, p. 279
88-23-3a	New	V. 23, p. 279
88-23-7	New	V. 22, p. 1709

**AGENCY 91: DEPARTMENT OF  
EDUCATION**

Reg. No.	Action	Register
91-1-201	Amended	V. 22, p. 2125
91-1-203	Amended	V. 22, p. 2126
91-1-206	Amended	V. 22, p. 2129
91-1-213	Amended	V. 22, p. 2130
91-1-230	New	V. 23, p. 1106
91-1-231	New	V. 23, p. 1107
91-1-232	New	V. 23, p. 1108
91-1-235	New	V. 23, p. 1108
91-1-236	New	V. 23, p. 1109
91-1-68a		
through		
91-1-68e	Revoked	V. 23, p. 1111
91-18-24	Revoked	V. 23, p. 280
91-18-27	Revoked	V. 23, p. 280
91-18-29	Revoked	V. 23, p. 280
91-18-34	Revoked	V. 23, p. 280
91-18-40	Revoked	V. 23, p. 280
91-31-16		
through		
91-31-30	Revoked	V. 22, p. 124
91-31-31		
through		
91-31-42	New	V. 22, p. 124-128
91-38-1	Amended	V. 22, p. 356
91-38-2	Amended	V. 22, p. 356
91-38-3	Amended	V. 22, p. 357
91-38-5	Amended	V. 22, p. 357
91-38-6	Amended	V. 22, p. 358
91-38-7	Amended	V. 22, p. 360

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-19-200		
through		
92-19-203	New	V. 22, p. 431
92-51-24	Amended	V. 23, p. 40
92-51-25	Amended	V. 23, p. 40
92-51-28	New	V. 23, p. 40
92-51-29	New	V. 23, p. 41
92-51-34a	New	V. 23, p. 41
92-52-9	Amended	V. 23, p. 41

**AGENCY 93: DEPARTMENT OF REVENUE—  
DIVISION OF PROPERTY VALUATION**

Reg. No.	Action	Register
93-6-4	Amended	V. 22, p. 666
93-6-7	New	V. 22, p. 666

**AGENCY 94: BOARD OF TAX APPEALS**

Reg. No.	Action	Register
94-2-4	Amended (T)	V. 22, p. 1504
94-2-4	Amended	V. 22, p. 2009

(continued)

94-2-19	Amended (T)	V. 22, p. 1504
94-2-19	Amended	V. 22, p. 2009
94-2-20	Amended (T)	V. 22, p. 1504
94-2-20	Amended	V. 22, p. 2010
94-2-21	New	V. 22, p. 2010
94-2-21	Amended (T)	V. 23, p. 896

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 23, p. 580
100-11-1	Amended	V. 23, p. 1042
100-22-4	New	V. 22, p. 690
100-29-9	Amended	V. 22, p. 1892
100-29-10	Amended	V. 22, p. 1893
100-49-4	Amended	V. 23, p. 1148
100-54-2		
through		
100-54-8	Amended	V. 22, p. 1926-1929
100-54-4	Amended (T)	V. 23, p. 383
100-54-4	Amended	V. 23, p. 1042
100-55-4	Amended (T)	V. 23, p. 383
100-55-4	Amended	V. 23, p. 1042
100-55-5	Amended	V. 22, p. 690
100-55-9	Amended	V. 22, p. 690
100-72-1		
through		
100-72-7	New (T)	V. 22, p. 79-81
100-72-1		
through		
100-72-6	New	V. 22, p. 691, 692
100-72-7	New	V. 22, p. 1893
100-75-1	New (T)	V. 22, p. 82
100-75-1	New	V. 22, p. 693

**AGENCY 102: BEHAVIORAL SCIENCES  
REGULATORY BOARD**

Reg. No.	Action	Register
102-1-3a	Amended (T)	V. 22, p. 1267
102-1-3a	Amended	V. 22, p. 1808
102-1-3b	New (T)	V. 22, p. 1268
102-1-3b	New	V. 22, p. 1809
102-1-8	Amended	V. 22, p. 1148
102-1-10a	Amended	V. 22, p. 2179
102-1-15	Amended	V. 22, p. 1149
102-2-2b	New (T)	V. 22, p. 1269
102-2-2b	New	V. 22, p. 1810
102-2-2c	New (T)	V. 22, p. 1270
102-2-2c	New	V. 22, p. 1811
102-2-4a	Amended	V. 22, p. 1150
102-2-7	Amended	V. 22, p. 2182
102-2-8	Amended	V. 23, p. 1137
102-2-9	Amended	V. 22, p. 1151
102-2-11	Amended	V. 22, p. 1151
102-2-12	Amended	V. 22, p. 1084
102-3-3a	Amended	V. 22, p. 1302
102-3-4b	New (T)	V. 22, p. 1271
102-3-4b	New	V. 22, p. 1811
102-3-7a	Amended	V. 23, p. 1139
102-3-9a	Amended	V. 22, p. 1151
102-3-10a	Amended	V. 22, p. 1152
102-3-12a	Amended	V. 22, p. 2184
102-4-3a	Amended	V. 23, p. 1141
102-4-4a	Amended	V. 23, p. 1143
102-4-4b	New (T)	V. 22, p. 1272
102-4-4b	New	V. 22, p. 1812
102-4-6a	Amended	V. 22, p. 2186
102-4-7a	Amended	V. 23, p. 1144
102-4-9a	Amended	V. 22, p. 1153
102-4-10a	Amended	V. 22, p. 1153
102-4-12	Amended	V. 22, p. 2187
102-5-3	Amended	V. 22, p. 1087
102-5-4a	Amended	V. 23, p. 1145
102-5-4b	New (T)	V. 22, p. 1273
102-5-4b	New	V. 22, p. 1813
102-5-7a	Amended	V. 23, p. 1147
102-5-9	Amended	V. 22, p. 1155
102-5-10	Amended	V. 22, p. 1155
102-5-12	Amended	V. 22, p. 2189

102-5-16	New	V. 22, p. 1158
102-6-9	Amended	V. 22, p. 1159
102-6-10	Amended	V. 22, p. 1159

**AGENCY 108: STATE EMPLOYEES  
HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-1	Amended	V. 23, p. 1189
108-1-4	Amended	V. 23, p. 823

**AGENCY 109: BOARD OF  
EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-3-2	New	V. 23, p. 202
109-5-4	Amended	V. 22, p. 1805
109-7-1	Amended	V. 22, p. 1805

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-8-1		
through		
110-8-6	New	V. 22, p. 2032, 2033
110-8-8		
through		
110-8-11	New	V. 22, p. 2033, 2034
110-10-1	New (T)	V. 22, p. 1815
110-10-1	New	V. 23, p. 180

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. The following regulations were filed after January 1, 2004:

Reg. No.	Action	Register
111-2-151		
through		
111-2-156	New	V. 23, p. 95, 96
111-2-154	Amended	V. 23, p. 261
111-2-155	Amended	V. 23, p. 262
111-2-156	Amended	V. 23, p. 262
111-2-157	New	V. 23, p. 262
111-2-158	New	V. 23, p. 459
111-2-159	New	V. 23, p. 901
111-3-22	Amended	V. 23, p. 97
111-4-881	Amended	V. 23, p. 97
111-4-1448	Amended	V. 23, p. 98
111-4-2052	Amended	V. 23, p. 262
111-4-2055	Amended	V. 23, p. 263
111-4-2057	Amended	V. 23, p. 263
111-4-2074	Amended	V. 23, p. 98
111-4-2093	Amended	V. 23, p. 309
111-4-2094	New	V. 23, p. 100
111-4-2095		
through		
111-4-2115	New	V. 23, p. 264-275
111-4-2097	Amended	V. 23, p. 310
111-4-2098	Amended	V. 23, p. 310
111-4-2116		
through		
111-4-2125	New	V. 23, p. 311-318
111-4-2126		
through		
111-4-2146	New	V. 23, p. 459-471
111-4-2147		
through		
111-4-2160	New	V. 23, p. 901-909
111-4-2161		
through		
111-4-2173	New	V. 23, p. 1025-1033
111-4-2174	New	V. 23, p. 1074
111-4-2175	New	V. 23, p. 1075
111-4-2176	New	V. 23, p. 1076
111-4-2177		
through		
111-4-2180	New	V. 23, p. 1169-1171

111-4-2181		
through		
111-4-2185	New	V. 23, p. 1343-1346
111-5-96	Amended	V. 23, p. 101
111-5-111		
through		
111-5-115	New	V. 23, p. 245, 246
111-5-113	Amended	V. 23, p. 472
111-5-114	Amended	V. 23, p. 472
111-7-188		
through		
111-7-192	New	V. 23, p. 319, 320
111-7-190	Amended	V. 23, p. 473
111-7-192	Amended	V. 23, p. 473
111-9-122	New	V. 23, p. 910
111-9-123	New	V. 23, p. 910
111-1-1		
through		
111-11-11	New	V. 23, p. 911-914
111-11-1	Amended	V. 23, p. 1077
111-12-1	New	V. 23, p. 914

**AGENCY 112: RACING AND GAMING  
COMMISSION**

Reg. No.	Action	Register
112-3-11	Amended	V. 22, p. 1427
112-4-1	Amended	V. 22, p. 2057
112-4-1a	New	V. 22, p. 278
112-4-1b	New	V. 22, p. 279
112-6-4	Amended	V. 22, p. 85
112-8-4	Amended	V. 22, p. 1428
112-8-5	Amended	V. 22, p. 1428
112-9-44	Amended	V. 22, p. 279
112-10-2	Amended	V. 22, p. 85
112-10-3	Amended	V. 23, p. 93
112-10-5	Amended	V. 23, p. 1073
112-10-6	Amended	V. 23, p. 1073
112-10-6a	New	V. 23, p. 1074
112-10-13	New	V. 23, p. 495
112-11-20	Amended	V. 22, p. 281
112-12-10	Amended	V. 22, p. 86
112-13-2	Amended	V. 23, p. 94
112-18-9	Amended	V. 22, p. 1710
112-18-11	Amended	V. 22, p. 1710
112-18-18	Amended	V. 22, p. 1710

**AGENCY 115: DEPARTMENT OF  
WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-1-1	Amended	V. 22, p. 1930
115-2-1	Amended	V. 22, p. 1932
115-3-2	Amended	V. 23, p. 1043
115-4-6	Amended	V. 22, p. 1227
115-4-11	Amended	V. 22, p. 436
115-17-6		
through		
115-17-9	Amended	V. 22, p. 437-439
115-18-8	Amended	V. 22, p. 1229
115-18-10	Amended	V. 23, p. 1043
115-21-1	Amended	V. 22, p. 1506
115-21-2	Amended	V. 22, p. 1507

**AGENCY 117: REAL ESTATE  
APPRAISAL BOARD**

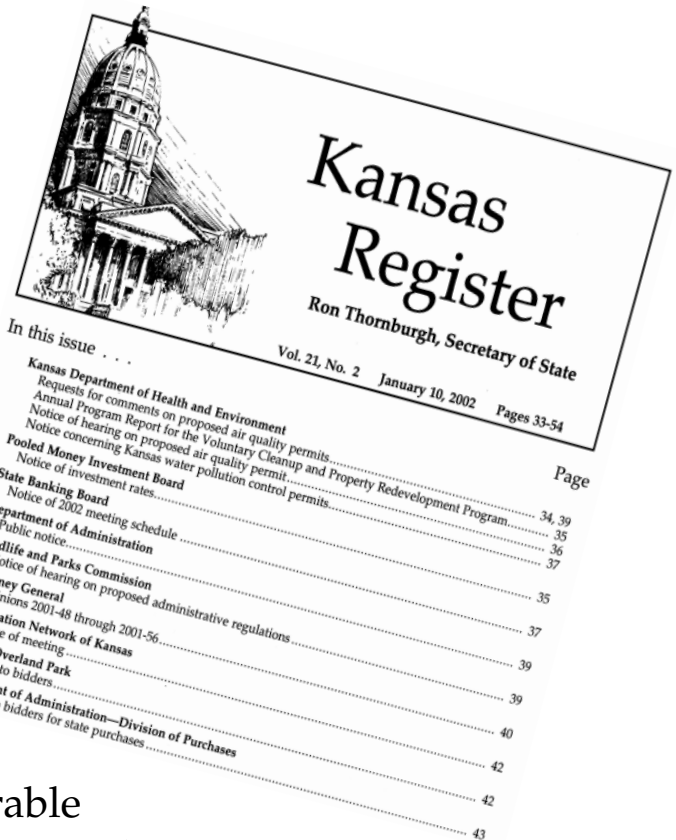
Reg. No.	Action	Register
117-1-1	Amended	V. 22, p. 684
117-2-1	Amended	V. 22, p. 684
117-3-1	Amended	V. 22, p. 685
117-4-1	Amended	V. 22, p. 686
117-5-2	Amended	V. 22, p. 2007
117-6-1	Amended	V. 22, p. 687
117-6-2	Amended	V. 22, p. 688
117-6-3	Amended	V. 22, p. 688
117-8-1	Amended	V. 23, p. 337
117-9-1	Amended	V. 23, p. 150

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